

**IEP Realities:
Pitfalls and Possibilities
What to Expect and to Seek**

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Preview

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Introduction

This discussion provides reality information about special education and the process involved in establishing an Individualized Education Program (the enigmatic IEP). Such information is too often glossed over or set aside in communicating with families and even teachers. This is not one-sided. It does not favor either the family or the school through omission, obscuring, or distortion. I am writing without the biasing influences of invested interests. This provides a frank openness that can be very hard to find in either the public or private service arena.

The referral, assessment, eligibility, and plan development process that struggling students, their families, and their teachers must endure in working to obtain an IEP for the child can be confusing, frustrating, daunting, discouraging, and even downright maddening. The entire process can be particularly stressful and baffling to the parent, and to the student himself.

The family and student must try to navigate a confusing system that can seem overwhelming and obstructive in its complex, cumbersome procedures and regulations. They must manage tasks and demands that are difficult and foreign to them, while also grappling with the understanding that the child may be disabled – something that very naturally and appropriately causes tremendous distress and grief for the student and family. Care and respect for the family is crucial, including respect for the rightful voice, role, and responsibilities of the parent as both a member of the IEP team and the one with ultimate responsibility and authority in the care, health, development, and wellbeing of the child.

The greatest disservice done to any family trying to navigate this process on behalf of a child is failure to provide accurate and adequate information and clarification of the proceedings, both the pros and the cons. This includes talking the parent and anyone else who needs additional understanding through all steps in the process beforehand, including the purposes, intended benefits, and potential problems; what can be expected; and what should not be expected.

Far more than any intentional attempts to obstruct, reduce, or deny services, misinformation and misunderstanding from inadequate communication and collaboration are the greatest obstacles to participation and teamwork for everyone

involved. They are also the greatest triggers for contention, disputes, and adversarial working relationships. When this happens, the outcomes can be of great benefit to attorneys but tremendous harm to children.

Sample Section

Implementation to Exit

Implementation of the IEP must start as soon as it is completed and the parent provides consent. Time of year or availability of staff or resources are irrelevant. Once it has been determined that the student has a disability and needs specialized services, there is never justification for delay.

The IEP is to be implemented exactly as written from the start. If a plan for a gradual progression of services is written into the plan, then it is done accordingly. If not, it is to be implemented in full. If at any point a service provider or the parent believes there needs to be substantial changes that are not part of the plan, the team shall reconvene. The student does not need to wait out the year before the team changes procedures that are not working or develops methods to support progress that might better serve her.

Routinely, the team meets annually to review the student's progress on his goals and make any needed adjustments. If the student has not progressed on the goals, the goals and services are not to just be continued without revision. Insufficient progress can happen with any plan despite best efforts, but this does indicate that something did not work as planned. The problem is not when our appropriate efforts fall short, it is when nothing is done to adjust and improve our efforts moving forward. There needs to be changes to improve the child's opportunity and potential for progress. Do not keep repeating what has not worked.

When a new school year begins, there must be dedicated attention to making sure the plan is carried over and implemented in the new classroom setting as soon as the year starts. Establishing a plan for this should be part of the previous annual review. If the student is transitioning from elementary to middle school, or from middle school to high school, there needs to be a transition meeting before the end of the year to plan for changes in school environment and educational demands.

The meeting should include a representative staff member from the school the student will be attending the following year. This ensures that the plan will meet needs and expectations in the new school setting.

Every three years the student is reevaluated to obtain comprehensive data, with a complete understanding of progress and changing needs. A full assessment might not be necessary, depending on the student's ongoing performance. The full extent of the assessment procedures can be designated by the IEP team. That determination and plan must be made at the previous team review so the entire team can participate and plan ahead, not when it is time to initiate the three-year review under a time crunch.

The three-year review also becomes the forum for deciding if it is time to exit the student from special education services, although this can also occur at any time. The student does not need to requalify based on initial eligibility criteria, but she does need to continue to need those services. Asserting that the student must requalify based on initial criteria is essentially proclaiming that she can only continue to receive services if she made no progress at all in the previous three years. Even if such were legal, it would not speak well at all for the special education programs or services.

The idea that services might come to an end can be concerning, even scary, for the parent and student. It is important to remember that it is always the goal for any student to gain as much independence in learning as possible, and to reintegrate into the general education program with typical peers as soon as he can. The student must be ready and able, but this is in his best interest once it is time.

Just because a student is exited, does not mean she should be sent back to general education without monitoring or support. This is probably one of the greatest causes of declining achievement and return to special education. There are various options for this, which is determined by the IEP team based on a problem-solving and planning process. It is important that the parent and everyone else on the team be confident in the student's ability to make the transition, and then do whatever the student needs to help her succeed.

In addition to monitoring, a few alternatives to facilitate transition can be:

- Gradual fading of services.
- A study skills class or a designated time for the student to check in with the special education teacher for any needed assistance.
- Return to the problem-solving team's case management for dedicated, collaborative oversight and progress monitoring.
- A 504 Plan.

It is very important that the student knows exactly where to go and what to do to get help if he encounters problems.

As long as the IEP is in effect, the student should be included in the meetings as soon as she is capable of understanding the process. Self-understanding is crucial for healthy development, learning and self-concept. It is also very important for any student to be trained in self-advocacy skills. These includes:

- Understanding his disability, abilities, and limitations.
- Learning personal strategies and coping skills to improve self-regulation, direction, and confidence.
- Being given a voice in stating needs, defining goals, and suggesting options for intervention. This includes learning how to identify and state her needs, as well as the vocabulary required to understand and participate in the process.
- Learning about his rights, and what to expect.
- Being taught how and when to request accommodations or additional services.

This educational process can start with the initial assessment. The student may be ready to join the meetings before she transitions to middle school, if she has the ability to comprehend and participate meaningfully.

The greatest disservice we can do for any student is failing to guide self-understanding, advocacy, and management of his own learning and educational needs. This is a crucial life skill that should never be neglected at any time in a student's education.

IEP Realities

Once a student enters high school the IEP team is to work with her to develop a transition plan for completing high school and transitioning to adult life. The student must be the active driving-force in creating this plan. This plan is to be followed, monitored, and updated as needed, with special education teacher or guidance counselor collaboration and support.

The high school student also must become an active participant in the IEP process. This includes meetings, goal and service planning, and implementation unless his disability is too severe. If the student reaches age 18 before graduating, with the plan still in effect, he assumes the responsibility and rights in team participation and consent that were previously owned by the parent unless placed under conservatorship.